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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/747,794      | 12/29/2003  | Friedrich K. Benkel  | FB-1-gw             | 6439             |

7590 08/06/2004

Michael I. Kroll  
171 Stillwell Lane  
Syosset, NY 11791

EXAMINER

CHAPMAN, JEANETTE E

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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3635

DATE MAILED: 08/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/747,794

Applicant(s)

BENKEL, FRIEDRICH K.

Examiner

Chapman E Jeanette

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-15 is/are rejected.
- 7) ☒ Claim(s) 1-8 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/29/03
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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Claims 1-16 are objected to for the following reasons: It is unclear if applicant is claiming just the anchor or the combination anchor and frame. The preamble states "an anchor for mating to a channel....." The frame is introduced as secondary, used to explain the channels. The preamble goes on to state "the anchor thereinbetween comprising:.....". The body of the claims part a) recites a pair of notches; the notches are a part of the frame and not the anchor as the claim as the claim implies.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reichert (6425221) in view of McCandless (6289641). Reichert discloses an anchor 50 for mating to a channel, the channel is formed between a pair of spaced apart frame members 22; see figure 9. The frame members 22 each have a top surface with a flange and a pair of opposing flanges which receiver the anchor 50. The frame includes a notch 56 formed in each flange. The size of the notches in comparison to the flanges has been considered a matter of choice lacking criticality; one of ordinary skill in the art would have appreciated making the notches of any size that would provide a suitable fit with the anchor/clip.

The anchor comprises:

- a clip 58 sized to fit between the channels. The clip includes a base with upper and lower sides, opposing ends and sides (square configuration). The clip attaches to the first and second flanges. See figures 4,7 and 9 and accompanying text.
- A pair of downwardly extending outside rails 54 disposed on the lower side of the base; the pair of outside rails are spaced apart and are disposed adjacent the sides of the base
- The pair of outside rails each having first and second opposing ends and a top surface; a transverse slot is formed in each of the first and second ends of the outside rail; the transverse slot is between the top of the outside of the rail and lower side of the base; see figure 13; one end of each of the flanges is disposed in one of the transverse slots of each said end of said outside rails wherein the clip is secured between the pair of channels;
- A post 52 disposed on the upper side of the base; the post is perpendicular to the base; the post includes opposing sides oriented toward opposite sides of the base; a plurality of arms are disposed in a spaced apart relationship to the post; the arms extend laterally away from the post toward opposing sides of post so that object can be mounted to the post;
- There are four arms which extend from the post generally parallel to the channel.

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Reichert lacks the center disposed between the pair of outside rails as shown by McCandless; See figure 2, element 117 and 93. ~~It~~ would have been obvious to one of ordinary skill in the art to modify Reichert to include the center rail to strengthen the attachment between the anchor and the frame. For Reichert and McCandless, the outside rails and the center rail are substantially perpendicular to the flanges.

Regarding Reichert, the outside rails are complementary to the channels.

Regarding the material for construction for the anchor; One of ordinary skill in the art of muntin bar anchors would have appreciated any material of construction enabling the anchors intended function.

Claims 1-8 are objected in view of the objection above but would be allowable if amended.

Claim 16 is objected to as depending upon a rejected base claim but would be allowable if amended to include the limitations of the independent claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E Jeanette whose telephone number is 703-308-1310. The examiner can normally be reached on Mon.-Fri, 8:30-6:00, every other fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Friedman Carl can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jec

  
Jeanette Chapman  
Primary Examiner

Jeanette Chapman  
Primary Examiner